

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:16-cv-00695-GCM**

BARONIUS PRESS, LTD.,

Plaintiff,

v.

SAINT BENEDICT PRESS LLC,

Defendant.

**AFFIDAVIT  
OF  
JOHN CONOR GALLAGHER**

NOW COMES John Conor Gallagher, being first duly sworn, and deposes and says:

1. My name is John Conor Gallagher, and I give this Affidavit based upon my personal knowledge and on such information as is available to me.
2. I am laboring under no legal disability, am over the age of 18, and am otherwise competent to testify to the matters stated in this Affidavit.
3. I am the Publisher of Saint Benedict Press, LLC ("Saint Benedict"), a publisher and supplier of religious books and materials.
4. Saint Benedict considers its customer names, customer contact information and wholesale customer pricing and terms ("Customer Information") and drafts of unpublished works, such as the re-typesetting of *Fundamentals of Catholic Dogma*, to be confidential, proprietary and trade secrets.
5. Saint Benedict has taken steps to prevent its competitors, and the general public, from obtaining its Customer Information and its unpublished drafts. In an effort to keep its Customer Information and unpublished drafts confidential, Saint Benedict Press:
  - (a) maintains the information on a secure server that is accessible only by Saint Benedict employees and that requires a login and password to access;
  - (b) limits access to Customer Information and unpublished drafts to only certain Saint Benedict employees;



(c) does not publish its Customer Information, or unpublished drafts, to members of the public;

(d) does not share Customer Information with other customers;

(e) does not share unpublished drafts with anyone except those who are involved with the creation of the unpublished draft such as companies employed to perform re-typesetting, or create artwork for the work.

6. Saint Benedict considers its Customer Information and unpublished drafts to be a valuable assets.

7. Saint Benedict offers different terms and different pricing to different wholesale/trade customers; therefore, the release of such Customer Information could negatively impact Saint Benedict's future business and its relationship with its current customers.

8. Saint Benedict is a small family business. Since this litigation began, the burden of gathering the information and documents requested by the Plaintiff has primarily fallen on three of Saint Benedict's employees, with the assistance of Saint Benedict's technology information ("IT") personnel. Since this litigation began, Saint Benedict lost one of those employees, Rick Rotundi.

9. Mr. Rotundi was a key employee and Vice President of New Business Development. In addition to his role as Vice President of New Business Development, Mr. Rotundi was instrumental in gathering information necessary to respond to Plaintiff's discovery requests. Mr. Rotundi left Saint Benedict's employment in the fall of 2017. As part of his severance arrangement he assisted Saint Benedict with gathering information responsive to the discovery requests until April of 2018.

10. In addition to Mr. Rotundi's departure, Saint Benedict, during the course of responding to Plaintiff's discovery requests, had a changeover of its IT personnel.

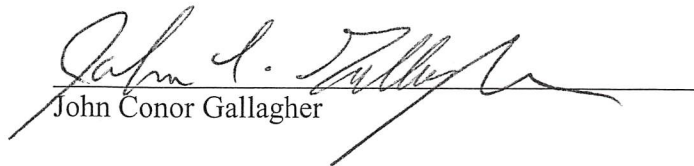
11. Saint Benedict's search and collection of emails and other documents requested by Plaintiff was also hindered by a change in computer server which took place in 2014, two years prior to this lawsuit being filed.

12. Saint Benedict has, in good faith, made diligent efforts to locate all documents relevant to this case and to produce non-privileged, relevant documents responsive to Plaintiff's discovery requests.

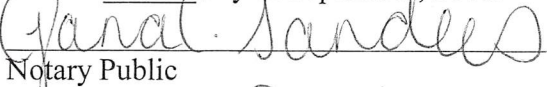
13. Saint Benedict's inadvertent production to Plaintiff during the discovery process in this litigation of its draft type setting of *Fundamentals of Catholic Dogma* without the "Attorney's Eyes Only" designation was done by mistake.

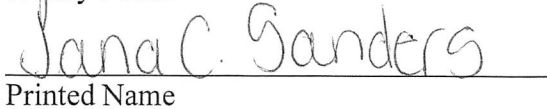
14. Should Saint Benedict's Customer Information and unpublished drafts, including the draft typesetting of *Fundamentals of Catholic Dogma*, be released to Plaintiff or to Saint Benedict's other competitors, Saint Benedict is likely to suffer harm as such information is likely to be used to directly compete with Saint Benedict.

This the 19th day of September, 2018.

  
John Conor Gallagher

SWORN to and subscribed before me  
this the \_\_\_\_\_ day of September, 2018.

  
Notary Public

  
Printed Name

My Commission Expires: 6-13-23

